

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

**IN RE: Marshall C. Grear
and Voncille G. Grear**

/

**Case Number: 19-30873-jda
CHAPTER 13
Judge Joel D. Applebaum**

**DEBTOR'S OBJECTION TO STATE OF MICHIGAN
PROOF OF CLAIM #20**

Now comes Debtor, Marshall & Voncille Grear, by and through attorney, John L. Hicks, and objects to proof of claim #20 for the following reasons:

1. The proof of claim #20 was filed 9/30/19 in amount of \$5,000.00 as an estimated amount for 2018 tax obligation.
2. On 5/20/19 the Internal Revenue Service also filed an estimated claim for unfiled 2018 tax returns but on 6/18/19 amended the claim to 0.00 after determining Debtor(s) did not make enough income to meet the threshold for filing tax returns in 2018.
3. Debtor filed an Affidavit that they did not have sufficient income requiring them to file tax returns for 2018 (Doc 26 Filed 05/15/19) and 2019.
4. Debtor had the same financial situation in 2018 and 2019 yet the State of Michigan filed no claim for 2019 and no Notice of Unfiled Tax Returns was filed in this case for 2018 or any other year.
5. Debtor objects to the claim #20 of State of Michigan as Debtor(s) did not meet the threshold for filing tax returns in 2018.
6. A proposed Order is attached as Exhibit A.

WHEREFORE, DEBTOR(S) respectfully requests that the within objection be sustained and Order that claim #20 of State of Michigan be disallowed or in the alternative require that State of Michigan provide income and withholding information they have available to allow Debtor(s) to file any required return.

Respectfully Submitted,

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Attorney for Debtor(s)

/s/ John L. Hicks
John L. Hicks (P44667)
412 S. Saginaw 1st Floor
Flint, MI. 48502
(810) 232-2223
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Dated: October 5, 2021

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION-Flint**

**IN RE: Marshall C. Grear
and Voncille G. Grear
DEBTOR(S).**

**Case Number: 19-30873-jda
CHAPTER 13
Judge Joel D. Applebaum**

**ORDER SUSTAINING OBJECTION TO PROOF OF CLAIM #20 OF
STATE OF MICHIGAN**

This matter having come on to be heard upon the Objection of the Debtor(s) to the allowance of the claim of the above referenced creditor, service having been made with a notice of hearing allowing a thirty (30) day notice pursuant to L.B.R. 3007-1), no response having been filed or served, due notice having thus been given and the Court being advised in the premises:

NOW THEREFORE IT IS HEREBY ORDERED that the Objection of the Debtor is sustained with respect to the Proof of Claim #20 of State of Michigan.;

IT IS HEREBY ORDERED that the State of Michigan claim #20 is hereby disallowed.

IT IS FURTHER ORDERED that to the extent that the Chapter 13 Standing Trustee has previously made disbursements this Order shall not require the trustee to recoup same.

EXHIBIT A

**UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN**

**IN RE: Marshall C. Grear
and Voncille G. Grear
DEBTOR(S).**

**Case Number: 19-30873-jda
CHAPTER 13
Judge Joel D. Applebaum**

NOTICE OF OBJECTION TO CLAIM

Debtor, **Marshall C. Grear and Voncille G. Grear**, has filed an objection to your claim in this bankruptcy case.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not want the court to deny or change your claim, or if you want the court to consider your views on the objection, within 7 days of the hearing date set forth below, you or your attorney must:

1. File with the court a written response or an answer, explaining your position, at:¹

U.S. Bankruptcy Court
226 West Second St.
Flint, MI 48502

If you mail your response to the court for filing, you must mail it early enough so that the court will **receive** it on or before the date stated above. All attorneys are required to file pleadings electronically.

You must also mail a copy to: **John L. Hicks & Associates
Attorney for Debtor
412 S. Saginaw St., 1st Fl
Flint, MI 48502**

**Trustee: Office of the Chapter 13 Trustee
Carl L. Bekofske
400 N. Saginaw, Ste. 331
Flint, MI 48502**

2. Attend the hearing on the objection, scheduled to be held on **December 14, 2021 @ 10:00 am**, in the Courtroom Daniel S. Opperman, United States Bankruptcy Court, 226 W. Second St., Flint, Michigan 48502, unless your attendance is excused by mutual agreement between yourself and the objector's attorney. (Unless the matter is disposed of summarily as a matter of law, the hearing shall be a pre-trial conference only; neither testimony nor other evidence will be received. A pre-trial scheduling order may be issued as a result of the pre-trial conference.)

If you or your attorney do not take these steps, the Court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Signature: /s/ John L. Hicks (P44667)

Name: John L. Hicks

Address: 412 Saginaw 1st Floor.

Flint, MI 48502

(810) 232-2223

Date: October 5, 2021

¹ Response or answer must comply with F.R. Civ. P. 8(b), (c) and (e)